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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010 - 245

11 JUAN FOLLOSO ORIAS, JR.
12 8350 Kober Court
Winters, CA 95694
13 Registered Nurse License 505220

ACCUSATION

14 Respondent.

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16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN, (Complainant) brings this Accusation solely
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about October 7, 1994, the Board of Registered Nursing issued
22 Registered Nurse License Number 505220 to Juan Follosos Orias, Jr. (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on July 31, 2010, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing
27 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct - Documentation)

5 9. Respondent is subject to disciplinary action under section 2761(a), in that
6 he acted unprofessionally when he failed to document his assessments and treatment of a patient.
7 The circumstances are as follows:

8 10. On or about September 8, 2007, while working as a registered nurse in the
9 Kaiser Hospital Walnut Creek Emergency Room, Respondent undertook to care for and treat
10 patient J.B.¹, who had been admitted to the hospital for evaluation after losing consciousness. In
11 the course of his treatment of the patient, Respondent asserted that he assisted the patient in
12 getting from the commode to the bed, removed her underpants, performed an EKG, assessed her
13 level of consciousness and drew ordered labs from the patient. He did not document any of these
14 procedures or assessments.

15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct - Sexual Misconduct)

17 11. Respondent is subject to disciplinary action under section 726 in that in
18 the course of caring for and treating patient J.B. on September 8, 2007, as set forth above in
19 paragraph 10, Respondent inappropriately touched the patient in a sexual manner on her chest,
20 breasts and vaginal area.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters here
23 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License Number 505220, issued
25 to Juan Follosio Orias, Jr.

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28 1. The patient's full name will be provided to Respondent in the course of Discovery.
Initials are being used herein to protect the patient's privacy.

2. Ordering Juan Follosos Orias, Jr. to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/3/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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